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November 19, 2020

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VIA ECF

The Honorable Judge Brenda K. Sannes
United States District Court Judge
Northern District of New York
PO Box 7336
Syracuse, NY 13261-7366

Re: Jane Doe et al. vs. Howard Zucker, et al., Case No.: 1:20-CV-0840 (BKS/CFH)

Dear Judge Sannes:

Plaintiffs are in receipt of your Text Order indicating that the Court lacks jurisdiction to review a Rule 62 motion for injunctive relief pending appeal. By this letter, plaintiffs waive any further briefing on this issue and request a decision and order on jurisdiction be issued at the earliest opportunity. All parties have already submitted letter briefs and if the court does not have jurisdiction, plaintiffs wish to avoid delay and seek this emergency relief right away in a court that does have jurisdiction.

To the extent it is relevant to any amendment or additional text order that may follow, we would like to respectfully point out one factual error in the text order issued today. The DOH policy excluding students from online and remote education was officially adopted in August 2020, not in 2019. Moreover, plaintiffs and declarants had their medical exemptions overruled at various times throughout last year but most of them again had to apply and were overruled or face imminent threat of being overruled this year as well. This is all in the papers on the original Rule 65 motion.

We respectfully ask that the Court issue an order to reflect plaintiffs' waiver of any further briefing given the Court's findings after the initial briefs that it lacks jurisdiction. In the meantime, plaintiffs intend to proceed to make a motion pursuant to Rule 8 in the court of appeals, noting that this court does not find it has jurisdiction, to avoid further irreparable harm and allow these children a chance to keep up with their peers, and avoid falling even further behind, as this appeal pends.

Respectfully Submitted,

s/Sujata S. Gibson

Sujata Gibson

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CC: All attorneys of record via ECF